

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

LAURENCE DASSEN, :
 :
 Plaintiff, :
 : C.A. No. S09C-06-042
 v. :
 :
 MOST REV. J. KEVIN BOLAND :
 IN HIS OFFICIAL CAPACITY AS :
 BISHOP OF THE CATHOLIC DIOCESE :
 OF SAVANNAH, et al., :
 :
 Defendants. :

Submitted: December 9, 2010
Decided: March 23, 2011

On Defendant Most Reverend J. Kevin Boland in his official capacity as Bishop of the Catholic Diocese of Savannah's Motion to Dismiss: **GRANTED**

MEMORANDUM OPINION

Kevin W. Goldstein, Esquire, Stradley Ronon Stevens & Young, LLP, Wilmington, Delaware, Attorney for Defendant Most Reverend J. Kevin Boland in his official capacity as Bishop of the Catholic Diocese of Savannah.

Michael D. O'Mara, Esquire, admitted *pro hac vice*, Amy E. Sparrow, Esquire, admitted *pro hac vice*, Stradley Ronon Stevens & Young, LLP, Philadelphia, Pennsylvania, Attorneys for Defendant Most Reverend J. Kevin Boland in his official capacity as Bishop of the Catholic Diocese of Savannah.

Stephen J. Neuberger, Esquire, The Neuberger Firm, P.A., Wilmington, Delaware, Attorney for Plaintiff Laurence Dassen.

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Graves, J.

Nature and Stage of the Proceedings

On June 29, 2009, Plaintiff Laurence Dassen (“Dassen”) filed a complaint against the Catholic Diocese of Savannah (“Diocese”),¹ Catholic University of America (“CUA”) and Wayland Brown (“Brown”) pursuant to the Delaware Child Victim’s Act of 2007, 10 *Del. C.* § 8145 (“CVA”).² Dassen’s claims arise out of numerous incidents of sexual abuse he suffered at the hands of Wayland Brown (“Brown”), a seminarian student at the time.

Dassen has settled his claims with CUA. However, Dassen’s claims against the Diocese and Brown remain pending. Brown is not a party to the current Motion to Dismiss and remains a defendant in this pending suit.

In his Amended Complaint, Dassen charges the Diocese committed or engaged in (1) gross negligence by hiring, retaining and failing to supervise Brown; (2) assault and battery by way of the theory of *respondeat superior*; (3) intentional infliction of emotional distress, again by way of the theory of *respondeat superior*; (4) fraud by licensing and employing Brown, thus falsely representing to Dassen that Brown was a religious authority and a leader of integrity; (5) breach of contract/breach of implied covenant of good faith and fair dealing with regard to the “contracts” made between Dassen’s parents and the Diocese when Brown transported Dassen “in and around Maryland, Delaware and Georgia for various reasons;” (6) conspiracies with Brown to permit him to abuse children; to enable him to continue to abuse children; by agreeing to cover up his history of abusing

¹ The Complaint was later amended to include Most Reverend J. Kevin Boland in his official capacity as the Bishop of the Diocese as the named defendant for the Diocese.

² The CVA opened a window of opportunity for litigants to bring claims involving alleged sexual abuse of children that otherwise would have been barred by Delaware’s applicable statute of limitations.

children; by agreeing to hide and actively suppress and intentionally misrepresent his sexual abuse of children in an effort to induce Dassen and others to associate and engage with Brown; and by conspiring with other priests, Bishops, and Dioceses around the country to hide evidence indicating the dangers to children of abusive priests in the ministry; and (7) aiding and abetting Brown in his commission of sexual abuse. Dassen seeks compensatory and punitive damages for pain and suffering, including but not limited to: anxiety, depression, guilt, emotional pain, fear, fright, shame, humiliation, loss of enjoyment of life, and economic losses.

The Diocese has filed a motion to dismiss Dassen's claims pursuant to Superior Court Civil Rule 12(b)(2) for lack of personal jurisdiction and 12(b)(6) for failure to state a claim upon which relief can be granted. Specifically, the Diocese alleges this Court lacks personal jurisdiction over the Diocese; that Dassen's claims are time-barred; and that the CVA does not apply to Dassen's claims. Because the Court grants the Diocese's Motion to Dismiss for Lack of Personal Jurisdiction, the Court will not address the Diocese's other arguments.

Factual Background

Tragically, this case revolves around horrible allegations of sexual abuse of Dassen at the hands of Brown, a trusted family confidant. Nevertheless, the only issue presently before the Court is the very narrow question of whether this Court may properly exercise *in personam* jurisdiction over the Diocese. When considering a motion to dismiss, the Court must accept all factual allegations in the complaint as true and view all factual inferences in a light most favorable to the plaintiff.³ The facts relied upon in this Opinion were taken from the Amended Complaint, Dassen's

³ *Palmer v. Moffat*, 2001 WL 1221749, at *1 (Del. Super.).

affidavit, and the documents produced in the course of limited discovery on the issue of personal jurisdiction that are attached to the parties' memoranda of law.

Dassen alleges Brown was accepted as a seminarian student for the Diocese in April of 1972. Brown was then sponsored by the Diocese to attend theological school at CUA. As part of Brown's course of study at CUA, he was assigned to the Saint Rose of Lima Catholic Church ("the Parish") in Gaithersburg, Maryland, for a four-month practice internship. While assigned to the Parish, Brown met Dassen and his family, all of whom were parishioners there. Dassen alleges that, beginning in the summer of 1974, Brown began to abuse him sexually. At the time, Dassen was thirteen years old. Dassen has submitted an affidavit detailing the specifics of the abuse, including the locations where the alleged abuse took place. Much of the abuse occurred at the rectory of the Parish. However, Brown also took Dassen on fishing and camping trips in Delaware, Maryland, and Georgia. Dassen specifically alleges that, in the summer of 1975, Brown took him on a fishing and camping trip in the Chesapeake and Delaware wildlife area along the Delaware and Chesapeake Canal in the State of Delaware. Dassen also specifically alleges he was sexually assaulted on this trip. Brown's abuse of Dassen ended in 1977 or 1978 when Brown left CUA and returned to Savannah, Georgia, to begin serving as a priest in that parish.

Facts relating to the Diocese's role in Dassen's studies at CUA are also relevant. According to Dassen's Amended Complaint, Brown was a seminarian at CUA where he was studying to become a priest. CUA assigned Brown to an internship at the Parish. CUA supervised Brown during Brown's time as an intern at the Parish. The Diocese paid for Brown's schooling and related costs.

Dassen is not, and never has been, a Delaware resident. Likewise, Brown has never been a resident of Delaware. No facts have been alleged that tie the Diocese to Delaware, specifically, aside from the allegation that Brown sexually abused Dassen during one trip to Delaware during the summer of 1975. The Diocese's principal place of business is located in Savannah, Georgia. The Diocese is authorized to do business and is conducting business in the State of Georgia as a non-profit religious enterprise. The Diocese does not have any connection to any parish located in Delaware.

Standard of Review

A challenge based on a lack of personal jurisdiction over a defendant must be ruled upon before a motion to dismiss for failure to state a claim under Rule 12(b)(6) may be considered.⁴ The plaintiff "bears the burden of showing a basis for a trial court's exercise of jurisdiction over a nonresident defendant."⁵ Delaware courts apply a two-step analysis in determining whether the Court has *in personam* jurisdiction over a non-resident defendant. First, the Court must consider whether the long-arm statute applies; and second, the Court must consider whether exercise of jurisdiction over the defendant would violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution.⁶

After considering the allegations contained in Dassen's Amended Complaint and the facts uncovered as a result of the limited discovery that was permitted on the question of personal

⁴ *Branson v. Exide Elecs. Corp.*, 625 A.2d 267, 269 (Del. 1993).

⁵ *AeroGlobal Capital Mgmt., LLC v. Cirrus Indus., Inc.*, 871 A.2d 428, 437 (Del. 2005).

⁶ *Chadwick v. Metro Corp.*, 2004 WL 1874652, at *3 (Del.), 856 A.2d 1066 (Del. 2004) (TABLE).

jurisdiction, as well as the parties' memoranda of law, this Court concludes it does not have personal jurisdiction over the Diocese. The Diocese's Motion to Dismiss for Lack of Personal Jurisdiction is granted and the Court need not address the Diocese's remaining arguments.

Merits

A. **Dassen is not permitted further discovery with regard to personal jurisdiction.**

Dassen first challenges the Diocese's Motion to Dismiss by arguing he is entitled to additional discovery prior to a ruling on the matter. Dassen cites to case law for the proposition that this initial discovery is often necessary because a plaintiff does not have an obligation to plead facts in his complaint "that show the amenability of the defendant to service of process."⁷ In some cases, a complaint's allegations involve questions of agency or the nexus between the claim or the parties and the forum for purposes of determining the applicability of a long-arm statute and, therefore, the plaintiff may have pled relevant facts in his complaint.⁸ In other cases, however, the pleader will find it necessary to use extra-pleading material.⁹

Dassen cites to several cases involving allegations similar to those before the Court where additional limited discovery was ordered on the issue of personal jurisdiction. However, those cases are factually distinguishable. For example, in *Thompson v. Roman Catholic Archbishop of Washington*, Judge Robinson permitted the plaintiffs to conduct limited jurisdictional discovery where the plaintiffs had averred that the defendant knew or should have known (a) of the molestation

⁷ *Hart Holding Co. Inc. v. Drexel Burnham Lambert Inc.*, 593 A.2d 535, 538 (Del. Ch. 1991).

⁸ *Id.*

⁹ *Id.*

of the children by the named priest **and** (b) that the named priest was taking children on trips to Delaware.¹⁰ Plaintiffs here have made no allegation that the Diocese knew that Brown was taking Dassen, or any other youngster, on any trips, much less to the State of Delaware. In other cases cited by Dassen, the connection to Delaware was clearer than in this case – namely, at least one party was a resident of Delaware and/or the defendant school or church provided services in Delaware and further factual development was necessary to determine the scope thereof.

Dassen’s contention that he is entitled to additional discovery is without merit. This Court ordered discovery on the matter of personal jurisdiction at an office conference held on November 16, 2009. The Court twice extended the deadline for such discovery to be completed; discovery was thereby ordered to be completed by June 21, 2010. In total, Dassen was permitted six months to conduct discovery on the matter of personal jurisdiction. The docket for this case indicates that Dassen submitted interrogatories to the Diocese and CUA and both parties filed responses thereto. The Court is aware that other matters, specifically the Diocese’s filing of a Motion for a Protective Order, have interfered with a seamless discovery process; the Court also acknowledges that depositions requested by Dassen have not taken place.¹¹ Nevertheless, it would not be in the best interest of judicial economy or justice to further extend this litigation where additional discovery would, in effect, only serve as a fishing expedition.

¹⁰ 735 F. Supp. 2d 121, 129 (D. Del. 2010).

¹¹ The Diocese has turned over redacted depositions from other, similar lawsuits of the key figures involved here; those individuals testified to their relationship with the Diocese and their knowledge or lack thereof of Brown’s alleged inappropriate activities. It is unclear to the Court what, if any, benefit there would be to permitting Dassen to depose these players again on matters to which they have already testified under oath.

The Court holds Dassen has not alleged facts sufficient to entitle him to additional discovery.¹²

B. The Court does not have personal jurisdiction over the Diocese.

1. Delaware’s Long Arm Statute

Dassen asserts this Court has specific jurisdiction over the Diocese pursuant to 10 *Del. C.* §3104(c)(3).

Delaware’s long arm statute provides, in relevant part:

As to a cause of action brought by any person arising from any of the acts enumerated in this section, a court may exercise personal jurisdiction over any nonresident, or a personal representative, who in person or through an agent:

- (1) Transacts any business or performs any character of work or service in the State;
- (2) Contracts to supply services or things in this State;
- (3) Causes tortious injury in the State by an act or omission in this State;
- (4) Causes tortious injury in the State or outside of the State by an act or omission outside the State if the person regularly does or solicits business, engages in any other persistent course of conduct in the State or derives substantial revenue from services, or things used or consumed in the State;
- (5) Has an interest in, uses or possesses real property in the State; or
- (6) Contracts to insure or act as surety for, or on, any person, property, risk, contract, obligation or agreement located, executed or to be performed within the State at the time the contract is made, unless the parties otherwise provide in writing.¹³

¹² Compare *Thompson*, 735 F. Supp.2d at 129 (“[T]he question in the context of these cases is whether defendants knew of such sexual misconduct, knew of [the priest defendant’s] trips to Delaware with teenaged boys where such sexual misconduct occurred, and did nothing to protect these boys from harm in Delaware. Because these plaintiffs have averred the defendant the Archbishop of Washington knew, or should have known, that [defendant priest] was sexually molesting children **and** that [defendant priest] was taking children on trips to Delaware, plaintiffs have satisfied the minimal pleading requirements to conduct limited jurisdictional discovery as to defendant the Archbishop of Washington.”) (emphasis in original).

¹³ 10 *Del. C.* § 3104(c).

Delaware courts construe the statute liberally, favoring the exercise of jurisdiction.¹⁴ Subsections (c)(1), (c)(2), and (c)(3) give Delaware courts “specific jurisdiction,” where the cause of action arises from an act or omission in Delaware.¹⁵ Subsection (c)(4), however, confers “general jurisdiction” and the plaintiff’s claim need not arise out of the nonresident’s activities in Delaware.¹⁶ General jurisdiction requires “a greater, more continuous pattern of contacts” with the forum state than required for a finding of specific jurisdiction.¹⁷

As previously observed, the Court conducts a two-pronged analysis to determine whether it may properly exercise personal jurisdiction over a nonresident defendant: (a) is the defendant within reach of the long-arm statute and (b) does the nonresident defendant have such minimum contacts with the forum state to satisfy the Fourteenth Amendment Due Process clause. Dassen asserts two theories under which this Court may exercise specific jurisdiction over the Diocese pursuant to 10 *Del. C.* § 3104(c)(3): agency and conspiracy jurisdiction.¹⁸

(i) Agency

Dassen posits that Brown was an agent of the Diocese when Brown took Dassen on a personal camping trip in Delaware. Dassen alleges he has presented “significant evidence” that

¹⁴ *Daily Underwriters of America v. Maryland Auto. Ins. Fund*, 2008 WL 3485807, at *3 (Del. Super.).

¹⁵ *Boone v. Oy Partek Ab*, 724 A.2d 1150, 1155 (Del. Super. 1997).

¹⁶ *Id.*

¹⁷ *Computer People, Inc. v. Best Int’l Group, Inc.*, 1999 WL 288119, at *5 (Del. Ch.).

¹⁸ Dassen does not assert the Diocese is subject to general *in personam* jurisdiction in Delaware. Rightfully so, as there have been no allegations that the Diocese conducted business in any fashion in Delaware.

demonstrates the Diocese's knowledge, acquiescence to and authorization of the continued tortious conduct.¹⁹ Further, Dassen claims the Diocese was "clearly negligent" when in sponsoring Brown's studies at CUA and in continuing to sponsor Brown after actually knowing that there were questions about Brown's sexual abuse of young boys.²⁰ If Dassen can demonstrate the Diocese was clearly negligent in its sponsorship of Brown, Dassen asserts the Diocese should be held liable under agency principles. If the Diocese is not vicariously liable for Brown's conduct, then it is the conduct of the moving defendant itself that must be used to determine jurisdiction.²¹

The Diocese challenges the application of agency to bring it under this Court's jurisdiction on two grounds. First, the Diocese emphasizes that Brown was not an agent of the Diocese at the time of the alleged abuse. The Diocese notes that Brown was not a priest of the Diocese during the period of abuse: at the time, the Diocese was only sponsoring Brown's seminarian education at CUA. It was CUA, asserts the Diocese, that was responsible for Brown's assignment to the Parish and the oversight of Brown's internship at the Parish. Second, the Diocese argues that, even if Brown's association with the Diocese were found to constitute a principal/agent relationship, Delaware case law has consistently held sexual abuse is not considered within the scope of a priest's employment and the principal is not liable for the agent's actions performed for personal gratification.

¹⁹ Dassen Answering Brief ("Ans. Br.") at p. 14.

²⁰ Ans. Br. at p. 15.

²¹ *Tell v. Roman Catholic Bishops of Diocese of Allentown*, 2010 WL 1691199, at *9 (Del. Super.).

The agency theory of jurisdiction with regard to out-of-state Dioceses and their priests has been fully litigated in numerous cases coming out of the Delaware and federal courts in the last few years. The courts have uniformly declined to find personal jurisdiction over the out-of-state Dioceses.

Under Delaware law, “only acts of the agent that are directed by the principal may serve as a basis to assert jurisdiction over the principal.”²² Also fundamental to the scope of agency is that an employer is liable for the torts of his employee committed while acting in the scope of his employment.²³ Accordingly, it is not enough to prove a priest is an agent of his diocese; the plaintiff must also prove the priest was acting within the scope of that agency when he committed the assaults.²⁴

Dassen asserts the Diocese maintained an agency relationship with Brown by sponsoring Brown’s education at CUA. Dassen points to several communications between various members of the Catholic Church regarding concerns they had as to Brown’s fitness for the priesthood as evidence that the Diocese was on “actual notice” of improper conduct.

Delaware Courts have repeatedly cited the Third Restatement with regard to agency principles. The Restatement defines “agency” as “the fiduciary relationship that arises when one person (a ‘principal’) manifests assent to another person (an ‘agent’) that the agent shall act on the principal's behalf and subject to the principal's control, and the agent manifests assent or otherwise

²² *Computer People*, 1999 WL 288119, at *8.

²³ *Tell*, 2010 WL 1691199, at *10.

²⁴ *Id.*

consents so to act.”²⁵ The evidence before the Court does not support Dassen’s theory that the Diocese’s sponsorship of Brown created a principal/agent relationship. Although there is evidence that Brown reported to the Diocese on an irregular basis regarding the state of his funds and the general nature of his studies, there is no evidence that Brown was somehow therefore subject to the Diocese’s control. Brown was not the Diocese’s agent at the time of the alleged abuse in Delaware.²⁶

Even if Brown had been the Diocese’s agent at the time of the alleged abuse, case law has consistently held that a priest acts outside the scope of his authority when he abuses a parishioner.²⁷ If a priest acts outside of his authority when abusing a parishioner, the Court cannot conceive of any reason the scope of authority granted to a student, not yet ordained by the Catholic Church, would be *greater*. Moreover, in many of the cases previously decided by the Delaware courts, the ties to the priest and the overseeing authority have been much stronger. That is to say, there is, in this case, absolutely no evidence that the Diocese was aware that Brown was taking young boys, much less Dassen in particular, on trips *anywhere*, much less to the State of Delaware. Setting aside for the

²⁵ Restatement (Third) of Agency § 1.01 (2006).

²⁶ Dassen is correct that the record contains evidence that various members of the Catholic Church were concerned that Brown was not fit for priesthood for a myriad of reasons. Nevertheless, none of the communications between church officials reveal anything other than a vague unease with Brown with the possible exception of one communication. That communication was a letter to the file written by Bishop Lessard of the Diocese memorializing a conversation between Brown and Bishop Lessard in late August, 1975. The subject of the conversation was Brown’s performance at St. Theresa’s in Augusta, Georgia, during the summer of 1975. Dassen alleges he was the long-haired boy with whom Brown admitted to having been seen at a “local” beach. This memorandum, while certainly unsettling, sheds no light on the Diocese’s knowledge of (a) abuse *at the time of the incident in Delaware* (the memo having been written at the end of the summer of 1975 and Dassen alleging the trip to Delaware occurred in the summer of 1975) or (b) any trips made by Brown to the State of Delaware.

²⁷ *Tell*, 2010 WL 1691199, at *11 & n. 61 (citing an extensive list of cases where sexual abuse committed by a priest has been found to be outside the scope of the priest’s employment).

moment the question of whether the Diocese knew or should have known Brown was sexually abusing young boys, Dassen's argument that the Diocese should have known of the possibility that Brown would take a young boy to *Delaware* for such illicit purposes is premised solely on the "fact" that "[p]eople from Washington, D.C., come to the Delaware beaches all the time."²⁸ This averment, without more, falls short of the knowledge required to hold an agent liable for its principal's actions taken for personal reasons.

Finally, there is zero evidence that the Diocese directed or authorized Brown's actions. Only the actions of the agent that are directed, authorized or known by a principal may serve as a basis to assert jurisdiction over the principal.²⁹ Delaware's long-arm statute does not reach the Diocese under an agency theory.

(ii) Conspiracy jurisdiction

Dassen argues, in the alternative, that the Diocese conspired with Brown and thus the Diocese's actions submit it to the jurisdiction of this Court. Dassen submits several theories of conspiracy and contends the Diocese's involvement in any one of these alleged conspiracies would be grounds for this Court to exercise personal jurisdiction over the Diocese. The Diocese counters that Dassen has failed to demonstrate that any conspiracy existed between the Diocese and Brown and, further, that Dassen has not demonstrated the Diocese had knowledge or reason to know of the alleged abuse of Dassen in the State of Delaware.

²⁸ Transcript of Civil Motion Hearing before the Honorable T. Henley Graves, Aug. 6, 2010, at p. 21.

²⁹ *Losten v. Ukrainian Catholic Diocese of Philadelphia*, 2010 WL 1918791, at **3-4 (Del. Super.).

The Delaware Supreme Court has explained the concept of conspiracy jurisdiction thus:

First, the acts of each co-conspirator are attributable to each of the other co-conspirators. Therefore, any act by a conspirator in furtherance of the conspiracy which [sic] takes place in the jurisdiction is attributable to the other conspirators. Consequently, if the purposeful act or acts of one conspirator are of a nature and quality that would subject the actor to the jurisdiction of the court, all of the conspirators are subject to the jurisdiction of the court.³⁰

In order to subject an absent conspirator to the jurisdiction of the Delaware, plaintiff must make a factual showing of the following:

- (1) a conspiracy existed;
- (2) the defendant was a member of that conspiracy;
- (3) a substantial act or substantial effect in furtherance of the conspiracy occurred in the forum state;
- (4) the defendant knew or had reason to know of the act in the forum state or that acts outside the forum state would have an effect in the forum state; and
- (5) the act in, or effect on, the forum state was a direct and foreseeable result of the conduct in furtherance of the conspiracy.³¹

The conspiracy theory of jurisdiction must be narrowly and strictly construed; if it is not, the theory would become a “facile way for a plaintiff to circumvent the minimum contacts requirement of *International Shoe Co. v. Washington*.”³²

Dassen argues he has pled sufficient facts to demonstrate that the Diocese entered into five

³⁰ *Istituto Bancario Italiano SpA v. Hunter Eng’g Co., Inc.*, 449 A.2d 210, 222 (Del. 1982).

³¹ *Id.* at 225.

³² *Computer People*, 1999 WL 288119, at *6.

distinct conspiracies, all made with Brown: (1) a conspiracy to allow Brown to sexually abuse children; (2) a conspiracy to enable Brown to continue sexually abusing children in the future; (3) a conspiracy to cover up Brown's history of sexually abusing children; (4) a conspiracy to hide, actively suppress and intentionally misrepresent Brown's sexual abuse of children in order to induce Dassen and others to associate and engage with Brown; and (5) a conspiracy with Brown as well as other priests and Bishops and Dioceses around the country to suppress actively and intentionally misrepresent the concrete evidence that warned of the dangers to children of abusive priests in the ministry, which suppression and misrepresentation were done with the intent of causing Dassen, his parents and others to remain ignorant of these dangers.

I find Dassen's argument for a finding of conspiracy jurisdiction completely without merit for a plethora of reasons. In the first instance, the concept that the Diocese was conspiring *with* Brown defies logic. The evidence that has been uncovered in this case, to date, indicates, if anything, communication among various members of the Church regarding their at-that-time-unproven concerns regarding Brown's fitness for the priesthood. At the time the alleged abuse occurred, Brown was not yet ordained as a priest. If anything, the communications demonstrate unease with Brown, not an interest in engaging in a conspiracy to enable Brown to abuse children, to cover up any such abuse, or to misrepresent such abuse. To the extent there is an allegation that the Diocese conspired with other Dioceses around the country, the documents produced show discord among various members of the Catholic Church in how to handle Brown. To reiterate, at the time of the acts complained of in this case, Brown was not yet ordained by the Catholic Church. The various Church figures who weighed in on Brown's fitness for the priesthood note both positive and negative aspects of Brown's education and development. The communications reflect

indecision not agreement on how to handle Brown's future in the Church. In sum, Dassen has provided the Court with only conclusory and unsupported allegations that there was any conspiracy between the Diocese and Brown.

Second, assuming there was a conspiracy, there is no evidence, as discussed *supra*, that the Diocese knew or had any reason to know that any act in Delaware or that acts outside Delaware would have an effect in Delaware. This fact is disputed only by Dassen's opinion that it is typical for people in the Washington, D.C. area to vacation at the beach. Such a bald allegation is insufficient to sustain a finding of personal jurisdiction under the narrowly-constructed theory of conspiracy jurisdiction.

Third, the abuse in Delaware was not a "direct and foreseeable result of the conduct in furtherance of the conspiracy." Assuming again that there was a conspiracy between Brown and the Diocese to permit Brown to abuse children sexually, there is still no clear connection between that alleged conspiracy and the State of Delaware.

The Court concludes the Diocese's actions do not subject it to personal jurisdiction in Delaware under the conspiracy theory of jurisdiction.

2. Due Process Minimum Contacts

The Court also holds that the exercise of personal jurisdiction over the Diocese would deprive the Diocese of due process of law. In *International Shoe Co. v. Washington*,³³ the United States Supreme Court ruled that "certain minimum contacts" are required with a forum state before a defendant can be haled into court in the forum state.³⁴ "[I]t is essential in each case that there be

³³ 326 U.S. 310 (1945).

³⁴ *Id.* at 316.

some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws.”³⁵ The acts of the Diocese, not Brown, are to be considered when deciding whether minimum contacts have been established.³⁶

As in *Tell v. Roman Catholic Bishops of Diocese of Allentown*, the record is devoid of any evidence that the Diocese did anything to purposefully avail itself of the privilege of conducting activities in Delaware.³⁷ Although the Amended Complaint alleges one act of abuse occurred in Delaware, the majority of abuse occurred in Maryland where the Parish is located. The Diocese is authorized to do business and is conducting business in the State of Georgia. None of the facts alleged in the Amended Complaint suggest that the Diocese could have reasonably anticipated being haled into court in Delaware or that suit in Delaware would be fair and reasonable. Therefore, even assuming Delaware’s long-arm statute would extend to the Diocese, the Court does not find that due process is satisfied. This Court does not have personal jurisdiction over the Diocese.

Conclusion

For the reasons set forth herein, the Diocese’s Motion to Dismiss for Lack of Personal Jurisdiction is GRANTED.

IT IS SO ORDERED.

³⁵ *Hanson v. Denckla*, 357 U.S. 235, 253 (1958).

³⁶ *Losten*, 2010 WL 1918791, at *4.

³⁷ *Tell*, 2010 WL 1691199, at **15-16.